

APR 17 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LE HUA WU,

Defendant - Appellant.

No. 07-50547

D.C. No. CR-05-01011-SJO

MEMORANDUM<sup>\*</sup>

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KHANG TRONG NGUYEN, a.k.a. Seal  
B, Alex,

Defendant - Appellant.

No. 07-50555

D.C. No. CR-05-01011-SJO-2

Appeal from the United States District Court  
for the Central District of California  
S. James Otero, District Judge, Presiding

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted April 15, 2009\*\*  
Pasadena, California

Before: CANBY, RAWLINSON and N.R. SMITH, Circuit Judges.

Appellants Le Hua Wu and Khang Nguyen challenge the district court's denial of their motion to suppress evidence obtained through several wiretaps, and the district court's denial of their request for an evidentiary hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978).

The district court properly denied Appellants' motion to suppress, as the wiretap affidavits provided the requisite full and complete statement that alternative "investigative techniques were exhausted before the wiretap order was sought or that such methods reasonably appeared unlikely to succeed or too dangerous." *United States v. Rivera*, 527 F.3d 891, 898 (9th Cir. 2008) (citation omitted).

The district court correctly denied Appellants' request for a *Franks* hearing, as Appellants failed to demonstrate "that the wiretap application[s] contained false statements or material omissions[.]" *United States v. Lococo*, 514 F.3d 860, 864 (9th Cir. 2008), *as amended* (citation omitted).

**AFFIRMED.**

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\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).